

AMENDED IN SENATE AUGUST 28, 2001

AMENDED IN SENATE AUGUST 20, 2001

AMENDED IN SENATE JULY 9, 2001

AMENDED IN ASSEMBLY APRIL 30, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1277**

**Introduced by Assembly Member Cardenas**

February 23, 2001

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An act to amend Sections 7685 and 7685.5 of, and to add Sections 7685.6 and 7735.5 to, the Business and Professions Code, relating to funeral directors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1277, as amended, Cardenas. Funeral directors.

Existing law, the Funeral Directors and Embalmers Law, requires specified information to be included in a funeral establishment's price list, requires the availability of a consumer guide in certain situations, and prescribes penalties for misrepresentation of a funeral director without a valid license and for any violation concerning preneed funeral arrangement contracts.

This bill would require that a statement be included on a funeral establishment's price list providing that survivors of the deceased who will be handling the funeral arrangements are entitled to receive a copy of any preneed funeral arrangement contract executed by the deceased prior to the at need arrangement session. The bill would require the Cemetery and Funeral Bureau of the Department of Consumer Affairs

to develop a form that would be required to be provided to consumers by a funeral establishment prior to the drafting of a contract for funeral services. The bill would require this form to be signed and dated by the consumer and a representative of the funeral establishment. The bill would require a funeral establishment to provide the consumer with a consumer guide for funeral and cemetery purchases prior to the drafting of a contract for funeral services. Because the bill would add additional requirements concerning preneed funeral arrangement contracts, the violation of which is a crime, the bill would ~~create~~ *impose* a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7685 of the Business and Professions  
2 Code is amended to read:  
3 7685. Every funeral director shall provide to any person, upon  
4 beginning discussion of prices or of the funeral goods and services  
5 offered, a written or printed list containing but not necessarily  
6 limited to the price for professional services offered, which may  
7 include the funeral director's services, the preparation of the body,  
8 the use of facilities, and the use of automotive equipment. All  
9 services included in this price or prices shall be enumerated. The  
10 funeral director shall also provide a statement on that list that gives  
11 the price range for all caskets offered for sale. The funeral director  
12 shall also provide a written statement or list that, at a minimum,  
13 specifically identifies a particular casket or caskets by price and by  
14 thickness of metal, or type of wood, or other construction, interior  
15 and color, in addition to other casket identification requirements  
16 under Title 16, Code of Federal Regulations, Part 453 and any  
17 subsequent version of this regulation, when a request for specific  
18 information on a casket or caskets is made in person by any  
19 individual. Prices of caskets and other identifying features such as



1 thickness of metal, or type of wood, or other construction, interior  
2 and color, in addition to other casket identification requirements  
3 required to be given over the telephone by Title 16, Code of  
4 Federal Regulations, Part 453 and any subsequent version of this  
5 regulation, shall be provided over the telephone, if requested. The  
6 price list shall also include a statement indicating that survivors of  
7 the deceased who are handling the funeral arrangements are  
8 entitled to receive a copy of any preneed funeral arrangement  
9 contract executed by the deceased prior to the at need arrangement  
10 session.

11 SEC. 2. Section 7685.5 of the Business and Professions Code  
12 is amended to read:

13 7685.5. (a) The bureau shall make available to funeral  
14 establishments and cemetery authorities a copy of a consumer  
15 guide for funeral and cemetery purchases for purposes of  
16 reproduction and distribution. The funeral and cemetery guide that  
17 is approved by the bureau, in consultation with the funeral and  
18 cemetery industries and any other interested parties, shall be made  
19 available in printed form and electronically through the Internet.

20 (b) A funeral establishment shall prominently display and  
21 make available to any individual who, in person, inquires about  
22 funeral or cemetery purchases, a copy of the consumer guide for  
23 funeral and cemetery purchases, reproduced as specified in  
24 subdivision (a).

25 (c) Prior to the drafting of a contract for funeral services, the  
26 funeral establishment shall provide the consumer with a copy of  
27 the consumer guide for funeral and cemetery purchases described  
28 in subdivisions (a) and (b).

29 SEC. 3. Section 7685.6 is added to the Business and  
30 Professions Code, to read:

31 7685.6. (a) The bureau shall develop a form that is made  
32 available to funeral establishments for purposes of reproduction  
33 and distribution and available electronically through the Internet,  
34 that is simple and easy to read, that is separate and distinct from  
35 other forms funeral establishments are required to use, and that  
36 includes all of the following:

37 (1) The definition of a preneed arrangement adopted by the  
38 bureau by regulation.

39 (2) A statement that the funeral establishment must disclose if  
40 a preneed arrangement exists and provide the survivor of the

1 deceased who is handling the arrangements or the responsible  
2 party a copy of any preneed agreement and that this does not  
3 preclude the ability of consumers to inquire about the existence of  
4 a preneed arrangement.

5 (3) A statement about the bureau's role and responsibility to  
6 consumers regarding funeral establishments, including bureau  
7 contact information and instructions stating how a consumer can  
8 report suspected wrongdoing of a funeral establishment.

9 (b) The form developed by the bureau shall also include the  
10 following information that the consumer shall acknowledge by an  
11 affirmative check off and signature:

12 (1) That the consumer has received the form.

13 (2) That the consumer has been provided information  
14 regarding the existence of any preneed arrangements by the  
15 funeral establishment.

16 (3) That the consumer has received the Cemetery and Funeral  
17 Bureau consumer guide from the funeral establishment.

18 (4) That the consumer has received a copy of the funeral  
19 establishment's price list.

20 (c) The form developed pursuant to this section shall be  
21 provided to and the above information shall be checked off by the  
22 consumer prior to the drafting of a contract for funeral services  
23 with a representative of the funeral establishment.

24 (d) Prior to drafting a contract for funeral services, the form  
25 developed pursuant to this section shall be signed and dated by the  
26 consumer and a representative of the funeral establishment. The  
27 original copy of the form shall be given to the consumer and the  
28 funeral establishment shall retain a copy for a period of time to be  
29 decided by the bureau.

30 (e) A violation of this section constitutes grounds for  
31 disciplinary action.

32 (f) This section shall become operative July 1, 2002.

33 SEC. 4. Section 7735.5 is added to the Business and  
34 Professions Code, to read:

35 7735.5. The preneed funeral arrangement contract shall  
36 clearly state if benefits are unavailable or limited for any reason  
37 ~~during the first two years after the date of execution of the~~  
38 ~~contract.~~

39 SEC. 5. No reimbursement is required by this act pursuant to  
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school  
2 district will be incurred because this act creates a new crime or  
3 infraction, eliminates a crime or infraction, or changes the penalty  
4 for a crime or infraction, within the meaning of Section 17556 of  
5 the Government Code, or changes the definition of a crime within  
6 the meaning of Section 6 of Article XIII B of the California  
7 Constitution.

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